

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

UPSTATE JOBS PARTY, MARTIN BABINEC,  
AND JOHN BULLIS,

*Plaintiffs,*

v.

PETER S. KOSINSKI, New York State Board of  
Elections Co-Chair Commissioner, DOUGLAS A.  
KELLNER, New York State Board of Elections Co-  
Chair Commissioner, ANDREW J. SPANO, New  
York State Board of Elections Commissioner, and  
GREGORY P. PETERSON, New York State Board  
of Elections Commissioner, all in their official  
capacities,

*Defendants.*

Case No.:  
6:18-cv-00459-GTS-ATB

**NOTICE OF APPEAL**

Please take notice that Plaintiffs, Upstate Jobs Party, Martin Babinec, and John Bullis, by and through counsel, appeal to the United States Court of Appeals for the Second Circuit from the Decision and Order, entered on September 8, 2021, (Dkt. 72), and Judgment entered pursuant to the Decision and Order (Dkt. 73), insofar as they denied, in part, Plaintiffs' Motion for Summary Judgment of July 8, 2020 (Dkt. 56) and granted, in part, Defendants' Motion for Summary Judgment of August 25, 2020 (Dkt. 57).

DATED: October 6, 2021

/s/ Shawn Toomey Sheehy

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Respectfully submitted,

/s/ Michael Burger

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed using the CM/ECF system which instantaneously sent a Notice of Electronic Filing (NEF) to all counsel required to be served.

/s/ Michael Burger